

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
RICHARD FARMER,

Index No. 19-CV-7115

Plaintiff,

-against-

LAW OFFICE OF WEINER & WEINER, LLC,
PAUL I. WEINER, ESQUIRE, LLC,
PAUL IVAN WEINER, ESQ.,
JOSHUA LAWRENCE WEINER, ESQ.,
BUDD LARNER, A PROFESSIONAL CORP.,
D/B/A BUDD LARNER, P.C.,
HENRY A. LARNER, ESQ., C.E.O.,
MARK D. LARNER, ESQ., C.E.O.,
MITCHELL RAIT, ESQ. & C.E.O.,
PETER JOHN FRAZZA, ESQ., C.E.O.,
SUSAN REACH WINTERS, ESQ., C.E.O.,
LAW OFFICES OF COUGHLIN DUFFY, LLP,
KEVIN T. COUGHLIN, ESQ., and,
TIMOTHY I. DUFFY, ESQ., et al,

Defendants.
-----X

TO: HON. GEORGE B. DANIELS, United States District Judge (LTR)

**PLAINTIFF'S RESPONSE: OBJECTION TO DEFENDANTS ANSWER DATED
8/20/2019 PLAINTIFF SUPPLIES ADDITIONAL EVIDENCE IN SUPPORT**

Plaintiff Richard Farmer appearing Pro Se, in the above titled captioned, Objects to the Defendants Letter to District Judge George B. Daniels see Docket ("5") and ("6") dated 8/20/2019, falsely accusing the Plaintiff of not serving Defendants properly especially when their own admission states that Counsel and each Co-Defendant received a copy of Plaintiff's summons and pleading, therefore confirming the Defendants did fact receive and answered the Plaintiff's pleading and Federal summons in some respect, but in reality Defendants and their Counsel chose to respond to the pleading instead of actually defending it without a proper answer in opposition brief executed before this Court.

The Defendants counsel continue to argue with their unbelievable strategic excuses and responses at calling Plaintiff's claims and allegations frivolous well after Plaintiff supplied factual trues copies of a preponderance of evidence annexed in the Complaint (**Exhibits "A"**

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thru "T") that dates the fraud on the United States District Court back to 2009. Defendants submitted no opposition answers to defend against Plaintiff's factual allegations supplied in support of his Civil Action complaint.

The Co-Defendants Budd Larner, P.C., who has closed their doors in the State of New Jersey due to employee theft of \$1,000,000.00, who had knowledge that the Law Office of Weiner & Weiner, LLC, was operating at an undisclosed location kept hidden by the party's involved shared in legal fees and awards unlawfully that came from cases in the State of New York.

Now current Co-Defendant Coughlin Duffy, LLP, a New Jersey firm since May 1, 2019 recruited the Law Office of Weiner & Weiner, LLC to continue the deceitful scheme with the same attorneys father and son New Jersey Attorneys, Joshua Lawrence Weiner and Paul Ivan Weiner ("Co-Defendants") who's been advertising on the World Wide Web at; See Plaintiff's (**Exhibit "A"**) dated 8/21/19 time stamped at 9:33 AM a true copy and 9:42 AM.

<https://www.google.com/search?client=firefox-b-1-d&q=Law+office+of+Weiner+%26+Weiner%2C+LLC>,

Law Office of Weiner & Weiner, LLC
Address: 60 Washington St #101g, Morristown, NJ 07960
Hours: Open · Closes 5PM
Phone: [\(973\) 615-6666](tel:9736156666)

See Plaintiff's (**Exhibit "B"**) dated 8/21/2019 time stamped at 9:40 AM a true copy and 9:42 AM.

Both **Exhibits "A" and "B"** are true current timed stamped copies of the Law Office of Weiner & Weiner, LLC, are operating for business at 60 Washington Street, #101g, Morristown, NJ 07960, advertising office hours 9AM to 5PM, using the same (973) 615-6666 that's used at <https://www.weineremploymentlaw.com/>. The factual evidence shows in support of Plaintiff's claims and allegations are not frivolous.

In regard to the Law Office Mound Cotton Wollan & Greengrass LLP, One New York Plaza, New York, NY 10004, on behalf of Kenneth Labbate, See Plaintiff's annexed (**Exhibit "C"**) Letter to Judge Daniels, Plaintiff was not aware that Budd Larner, P.C., had obtained legal representation until yesterday when Plaintiff received the notification via email.

In addition the false allegations made by Counsel Labbate that improper service was made are frivolous, even though with a cavalier attitude he uses Mr. Rait as an exception in the document it was Mr. Rait the C.E.O of Budd Larner, P.C. who forwarded Plaintiff's summons and pleading to the named co-Defendants thereafter to the Law Office Mound Cotton Wollan & Greengrass LLP, One New York Plaza, New York, NY 10004, current counsel for the Budd Larner, P.C., co-Defendants. Service was in fact completed by Mr. Rait because the documents

were in fact forwarded to the Co-Defendants; excluding Mr. Rait as an exception was a deliberate attempt by Counsel Labbate to mislead Judge Daniels.

On August 20, 2019 Plaintiff sent Counsel Labbate a courtesy copy via gmail account of Plaintiff's Civil Action Complaint after Plaintiff received the email notification that he was representing the Budd Larner, co-defendants.

Now in regards to Coughlin Duffy, LLP, Letter to Judge Daniels Docket 5, filed on 8/20/2019 Page 1 thru 4; See Plaintiff's annexed (**Exhibit "D"**) Letter to Judge Daniels, Plaintiff's Opposition and Response; Counsel Mark K. Silver, Esq. starts off with an Exhibit 1 attached hereto as Exhibit "**1**" to mislead Judge Daniels, Plaintiff could not send any yahoo.com emails to any of the Defendants because the file was too large to be sent out electronically due to yahoo.com capacity that had a limit of 25 megabytes.

Plaintiff was forced to open up a new gmail account to load high capacity data files that can be delivered to the named Defendants, now in regards to Plaintiff naming his screen name John Wick to prevent malicious computer software from scanning his email for personal data and obtaining his Plaintiff's true name John Wick a fictional movie character played by Keanu Reeves who plays a fictional hero, for Counsel Mark K. Miller Esq. who is a real life person he insults the intelligence of the Plaintiff, Judge Daniels and the Court by comparing a fictional character John Wick and quote Counsel Mark K. Miller Esq. to [sic] a transmittal of the email to a potential threat of bodily harm are now concerned for their wellbeing. Plaintiff's response; Wow!

Dated: Queens, New York
August 21, 2019

Respectfully submitted,

RICHARD FARMER, Plaintiff
Appearing *Pro Se*

/S/ Richard Farmer
By: Richard Farmer
136-20 38th Ave, #3D
Flushing, NY 11354
(347) 933-9685

LAW OFFICES WEINER & WEINER, LLC,
PAUL I. WEINER, ESQUIRE, LLC,

C/O: Paul Ivan Weiner, Esq.,
New York State Attorney Registration Number: [1648161]
Joshua Lawrence Weiner Esq.,
New York State Attorney Registration Number: [4510509]
60 Washington St #101g,
Morristown, NJ 07960
Tel: 973-455-0026
Fax: 973-455-0026
Email: piw@weinerattorney.com
Email: jlw@weinerattorney.com

Defendants

BUDD LARNER, A PROFESSIONAL CORP.,
D/b/a BUDD LARNER, P.C.,

C/O: Henry A. Larner, ESQ., C.E.O.,
Mark D. Larner, ESQ., C.E.O.,
Mitchell Rait, Esq., & C.E.O.,
Susan Reach Winters, ESQ., C.E.O.,
Peter John Frazza, ESQ., C.E.O.,
260 Madison Avenue
18th Floor
New York, NY 10016
Phone: 212-455-0436

E-mail: mrail@buddlarner.com

Defendants

BUDD LARNER, P.C.

C/O: Mitchell Rait, Esq.
New York State Attorney Registration Number: [2172062]
Chief Operating Officer
150 John F. Kennedy Parkway
Short Hills, NJ 07078-2703
Tel: 973-379-4800
Direct dial: 973-315-4515
Fax 973-379-7734
E-mail: mrail@buddlarner.com

Defendants

LAW OFFICES OF COUGHLIN DUFFY, LLP,
C/O: Kevin T. Coughlin, ESQ., [1698885] and,
Timothy I. Duffy, ESQ.,
New York State Attorney Registration Number: [1698885]
88 Pine Street, 28th floor
Wall Street Plaza
New York, NY 10005
Phone (212) 483-0105
Fax (212) 480-3899

E-mail: kcoughlin@coughlinduffy.com

E-mail: tduffy@coughlinduffy.com

Defendants

MOUND COTTON WOLLAN & GREENGRASS, LLP
C/O: Kenneth M. Labbate, ESQ.,
One New York Plaza
New York, NY 10004-1901
Phone (212) 804-4200
Fax (212) 344-8066

E-mail: kallabate@mound.com

Attorney for the Defendants Budd Larner, P.C.

EXHIBIT

"A"

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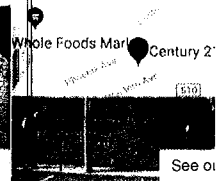
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Lawyer in Morristown, New Jersey

Address: 60 Washington St #101g, Morristown, NJ 07960**Hours: Open** - Closes 5PM**Phone:** (973) 615-6666

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EXHIBIT “B”

LAW OFFICES OF

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Paul I. Weiner and Joshua L. Weiner

Formerly members of Law Offices of Weiner & Weiner LLC,

are pleased to announce they have joined

**Coughlin Duffy LLP**www.coughlinduffy.com

350 Mount Kemble Ave. - Morristown, NJ 07962

88 Pine Street, 28th floor, Wall Street Plaza - New York, NY 10005

Phone: (212) 403-0105

If you or your organization is working through an employment or labor law issue, experienced counsel is crucial in reaching a resolution that preserves your best interests. We at Coughlin Duffy LLP have more than 60 years of combined experience in the field serving small and large companies, as well as employees. As such, we are prepared for even the most complex employment, labor, employment law or OSHA issues. We are able to work directly with clients to fully understand their issues. From there, we can apply our knowledge of various industry dynamics to reach practical solutions as efficiently and effectively as possible. We are prepared to represent clients in industries including:

- Service
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Depending on client need, our lawyers are prepared to offer solutions that include:

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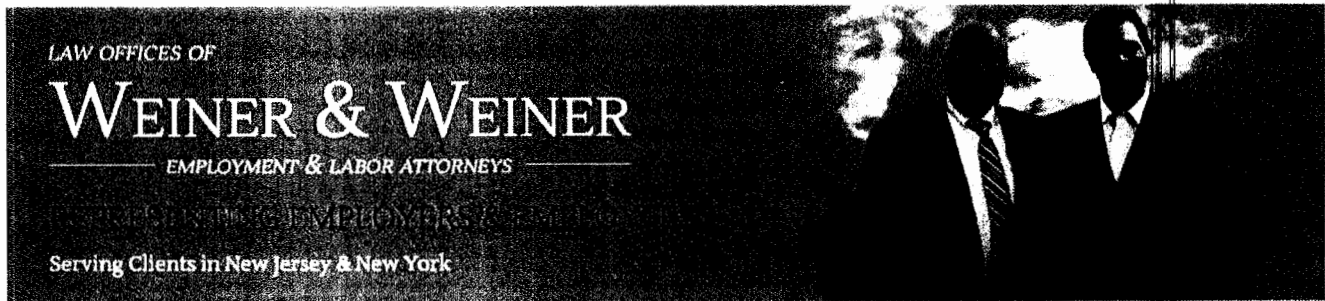
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Weiner for a Free Initial Phone
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EXHIBIT

"C"

MOUND COTTON WOLLAN & GREENGRASS LLP

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NEW YORK, NY
FLORHAM PARK, NJ
GARDEN CITY, NY
SAN FRANCISCO, CA
FORT LAUDERDALE, FL
HOUSTON, TX

August 20, 2019

VIA ECF

Honorable George B. Daniels
United States District Judge
United States Courthouse
Southern District of New York
500 Pearl Street, Room 1310
New York, NY 10007

RE: Farmer v. Law Offices of Weiner & Weiner, et al.
Docket No.: 19-cv-7115

Dear Judge Daniels:

We write in connection with the letter submitted by Mark Silver on behalf of certain entities listed as defendants in the Complaint filed in the captioned matter. Budd Larner, A Professional Corporation, Henry A. Larner, Mark D. Larner, Mitchell Rait, Peter John Frazza, and Susan Reach Winters ("Budd Larner Defendants") have also recently become aware of the Complaint filed in this matter.¹ The Budd Larner Defendants join in the request that the Court, after reviewing the Complaint, consider dismissing this frivolous action *sua sponte*, or, in the alternative, schedule a court conference to provide guidance on how to proceed in this matter.

With the exception of Mr. Rait, none of the Budd Larner Defendants were even provided with a copy of the Complaint via the email attached as Exhibit 1 to Mr. Silver's email. The Budd Larner Defendants agree with the issues raised in Mr. Silver's letter regarding improper service and the frivolous and baseless allegations contained in the Complaint and anticipate that they would proceed in a similar manner if service is ever properly made. The Budd Larner Defendants also note that there are significant questions regarding personal jurisdiction with respect to some, if not all, of them. By contacting the Court on this matter, none of the Budd Larner Defendants waive their right to contest the improper service of process or lack of personal jurisdiction.

¹ We are not, at this time, aware of any entity named "D/B/A/ Budd Laner, P.C.," which is listed in the Complaint as a defendant in its own right.

MOUND COTTON WOLLAN & GREENGRASS LLP

Honorable George B. Daniels
Page 2

Thank you for your consideration of this matter.

Respectfully,

/s/ Kenneth M. Labbate

Kenneth M. Labbate

cc: The Honorable Ona T. Wang, U.S.M.J. (via ECF)
Richard Farmer (via e-mail and U.S. Mail)
Mark K. Silver (via e-mail)

EXHIBIT “D”

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MARK K. SILVER, ESQ.
DIRECT DIAL: (973) 631-6045
MSILVER@COUGHLINDUFFY.COM

August 20, 2019

Hon. George B. Daniels, U.S.D.J.
United State District Court
United States Courthouse
500 Pearl St.
Courtroom 11A
New York, NY 10007-1312

RE: Farmer v. Law Offices of Weiner & Weiner, LLC, et al.
Civil Action No.: 19 cv 7115

Dear Judge Daniels:

Coughlin Duffy LLP, Kevin Coughlin, Timothy Duffy, Josh Weiner and Paul Weiner (collectively "Defendants") have become aware of the Complaint filed in the above referenced matter and are writing to respectfully request the court to schedule a conference in this matter.

First, Defendants wish to advise the Court that as of the date of this letter, Defendants have not been properly served in this matter and any attempts by Plaintiff to enter default against the Defendants would be improper. As evidenced by the Plaintiff's own "Affirmation of Service", Plaintiff's only method of transmitting the Complaint to the Defendants was "via yahoo.com email servers" which does not comport with proper service under the Federal Rules of Civil Procedure. (See Exhibit 1 attached hereto).¹

¹ Defendants also note the named sender of the email is a "John Wick". John Wick is the title character in a popular series of action adventure movies starring Keanu Reeves wherein Mr. Wick is a brutal and merciless assassin/vigilante. Defendants mention this because they consider the transmittal of the email to be a potential threat of bodily harm and are now concerned for their own wellbeing.

**Coughlin Duffy**^{LLP}

If Defendants were offered a Waiver of Service pursuant to Rule 4, they would execute said waiver, but as of the date of this letter, said waiver has not been offered by the Plaintiff.

Once proper service has been made (or waiver thereof), Defendants intend to serve Plaintiff with a Rule 11 letter followed by a Motion to Dismiss pursuant to Rule 12(b)(6) as the Complaint in this matter is wholly frivolous and without merit. Even the most cursory of review of the Complaint allows the reader to discern that Plaintiff's Complaint fails to state a cause of action that Plaintiff has standing to assert. Setting aside the fact that the allegations made by Plaintiff are utterly false and wholly defamatory, the alleged causes of action stemming from violations of "New York State Judiciary Law" do not carry with them a private right of action from which the Plaintiff can recover damages. Plaintiff has no relationship with the Defendants other than he is a *pro se* adversary in another action. This Court is aware of the history between this Plaintiff and the Defendants in the related action of *Farmer v. FZOAD.com Enterprises, Inc. et al.*, (17-cv-9300) and the filing of this action is nothing more than a tactic by the Plaintiff to harass and defame the Defendants.

Defendants would ask the Court, after reviewing the Complaint, to consider dismissing this action *sua sponte* or, alternatively, setting a court conference to provide guidance on how to proceed in an expedited manner.

Respectfully submitted,

COUGHLIN DUFFY, LLP

By: /s/Mark K. Silver

Mark K. Silver

MKS:tfc

Cc: The Honorable Ona T. Wang, U.S.M.J. (via ECF)
Richard Farmer (via e-mail and U.S. Mail)

EXHIBIT 1

From: John Wick <eyesearch.57@gmail.com>
Sent: Thursday, August 1, 2019 3:32 PM
To: piw@weinerattorney.com; jlw@weinerattorney.com; mrait@buddlerner.com; Kevin Coughlin; Timothy Duffy; Joshua Weiner; Linda Hall
Subject: Farmer v. Law offices of Weiner & Weiner et al. LLC 19-CV-7115: You Have Been Served.
Attachments: 2019_08_01_15_22_50 U.S. District Court SDNY Summons.pdf; 2019_08_01_15_24_52 U.S. District Court Summons 2.pdf; 2019_08_01_15_26_55 U.S. District Court SDNY summons 3.pdf



Farmer v. Law offices of Weiner & Weiner et al....



AFFIRMATION OF SERVICE

I, Richard Farmer Plaintiff, declare under penalty of perjury that I submitted today's filings to the Pro Se office, to be submitted via E.C.F., electronic filing, and via email to all the parties involved, in addition Plaintiff Farmer sent the parties an additional service via yahoo.com email servers in which Yahoo used their digital services to deliver Civil Pleading and Summons to Appear before the United States District Court for the Southern District of New York.

[Farmer v. Law offices of Weiner & Weiner, LLC, et al. U.S. District Court, SDNY Index. No. 19-CV-7115: You Have Been Served.]

Richard Farmer
Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
RICHARD FARMER,

Index No.

Plaintiff,

-against-

LAW OFFICES WEINER & WEINER, LLC,
PAUL I. WEINER, ESQUIRE, LLC.,
PAUL IVAN WEINER, ESQ.,
JOSHUA LAWRENCE WEINER, ESQ.,
BUDD LARNER, A PROFESSIONAL CORP.,
D/B/A BUDD LARNER, P.C.,
HENRY A. LARNER, ESQ., C.E.O,
MARK D. LARNER, ESQ., C.E.O,
MITCHELL RAIT, ESQ. & C.E.O,
PETER JOHN FRAZZA, ESQ., C.E.O,
SUSAN REACH WINTERS, ESQ., C.E.O,
LAW OFFICES OF COUGHLIN DUFFY, LLP,
KEVIN T. COUGHLIN, ESQ., and,
TIMOTHY I. DUFFY, ESQ., et al,

Defendants.
-----X

AFFIRMATION OF SERVICE

I, Richard Farmer Plaintiff, declare under penalty of perjury that I submitted today's filings to the Pro Se office, to be submitted via E.C.F., electronic filing, and via email to all the parties involved.

Dated: Queens, New York
August 21, 2019

Respectfully submitted,

RICHARD FARMER, Plaintiff
Appearing *Pro Se*
/S/ Richard Farmer

By: Richard Farmer
136-20 38th Ave, #3D
Flushing, NY 11354
(347) 933-9685